

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:19-cv-00366

Richard Johnson et al.,
Plaintiffs,

v.

Austin Kemp, et al.,
Defendants.

Before BARKER, *District Judge*

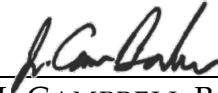
ORDER

On August 8, 2019, plaintiff Richard Johnson, along with purported co-plaintiffs identified as “R. James J., Tjuan Yarbrough, Terivia Tyson d/b/a/ Khyron Publications, and Rhonda K. Sallie,” filed this civil rights lawsuit under 42 U.S.C. § 1983. Doc. 1. The case was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636. Doc. 2. On September 6, 2019, the Magistrate Judge issued a report and recommendation finding that plaintiff Richard Johnson is barred from proceeding *in forma pauperis* by the three-strikes provision of 28 U.S.C. §1915(g). Doc. 5. The magistrate judge therefore recommended that this case be dismissed with prejudice as to the refiling of another *in forma pauperis* lawsuit raising the same claims, but without prejudice to the refiling of this lawsuit without seeking *in forma pauperis* status and upon payment of the full \$400.00 filing fee. *Id.* A copy of this report and recommendation was sent to plaintiff’s last known address. On September 19, 2019, a copy of the report and recommendation sent to plaintiff was returned to the clerk’s office as undeliverable. Doc. 6. As a result, the plaintiff filed no objections to the report and recommendation.

Accordingly, the report and recommendation is **adopted**. Fed.R.Civ.P. 72(b)(3). The complaint is **dismissed** with

prejudice as to the refiling of another *in forma pauperis* lawsuit raising the same claims, but without prejudice to the refiling of this lawsuit without seeking *in forma pauperis* status and upon payment of the full \$400.00 filing fee.

So ordered by the court on October 2, 2019.

A handwritten signature in black ink, appearing to read "J. Campbell Barker", is written over a horizontal line.

J. CAMPBELL BARKER
United States District Judge